



California Regional Water Quality Control Board

Los Angeles Region



Recipient of the 2001 *Environmental Leadership Award* from Keep California Beautiful

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Agency Secretary

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Arnold Schwarzenegger
Governor

Meeting Minutes

Los Angeles Regional Water Quality Control Board
July 13, 2006 Regular Board Meeting
City of Simi Valley
2929 Tapo Canyon Road, Simi Valley, California

Item 1. Roll Call

The meeting was called to order by Chair David Nahai at 9:16 a.m.

Board Members Present: Chair H. David Nahai, Vice Chair Fran Diamond, Susan Cloke, Bonny Herman, Mary Ann Lutz, Maribel Marin, Leo Vander Lans, Dick Richardson

Board Members Absent: Brad Mindlin

Staff Present: Jonathan Bishop, Deborah Smith, Ronji Harris, David Bacharowski, Blythe Ponek-Bacharowski, Stephen Cain, Laura Gallardo, L.B. Nye, Jack Price, Paula Rasmussen, Phil Wyels, David Hung, Robert Sams, Jenny Newman, Samuel Unger, Mazhar Ali, Jau Ren Chen,

Individuals whose Names Appear on the Sign-In Sheet

Dr. Mark Gold, Heal the Bay	Mr. Richard Montevideo, Rutan & Tucker, LLP
Mr. Richard Watson & Associates	Mr. Ron Wilkniss, Western States Petroleum
Mr. Ken Farsing, City of Signal Hill	Mr. John Robinson, MWH
Ms. Shanda Beltran, Latham & Watkins	Ms. Susan Paulsen, Flow Science
Mr. Clayton Yoshida, City of Los Angeles DWP	Mr. Mark Corey, Building Industry Association
Ms. Alexis Strauss, USEPA	Mr. Mark Pumford, City of Oxnard
Mr. Gerry Greene, City of Downey	Mr. Kevin Powels
Mr. Bob Asgiar, L.A. County Sanitation District	Ms. Beth Box, L.A. County Sanitation District
Mr. Dave Montagne, L.A. County Sanitation District	Ms. Ann Heil, L.A. County Sanitation District Mr. David Rathbart, L.A. County Sanitation Dist.
Ms. Lisa Peskay Mamster, City of Long Beach	Ms. Mary Macleod, Contech
Mr. Frank Wu, L.A. County DPW	Ms. Laura Larsen, RBF/ Caltrans
Ms. Uzi Daniel, West Basin MWD	Mr. Desi Alvarez, City of Downey
Ms. Susanah Turney, City of Arcadia	Mr. Robert Gomez, L.A. County DPW
Mr. Ray Tahir, TECS Environmental	Ms. Linda Johnson, Rep. Senator George Runner
Ms. Jackie, Bick, Rep. Senator George Runner	Ms. Tracy Egoscue, Santa Monica Baykeeper
Mr. Tom Leary, City of Long Beach	Mr. Ken Poole, Richards, Watson & Gershon
Ms. Janice Rinehart, City of Calabasas	Mr. Bernardo Iniguez, City of Bellflower
Mr. Kris Flaig, City of Los Angeles	Mr. Gary La Forge, City of Industry

California Environmental Protection Agency



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Our mission is to preserve and enhance the quality of California's water resources for the benefit of present and future generations.

Ms. Kirsten James, Heal the Bay	Mr. Christ Stranskey, Nautilus Environmental
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Item 2. Order of Agenda.

The Executive Officer, Jonathan Bishop requested that Item 18 be heard prior to Item 15.

MOTION: To approve Order of agenda.

First: Vice Chair Fran Diamond

Second: Board Member Mary Ann Lutz

Vote: Approved unanimously by vote

Item 3. Approval of July 13, 2006 draft Meeting Minutes.

MOTION: To approve draft meeting Minutes with requested edits.

First: Board Member Susan Cloke

Second: Vice Chair Fran Diamond

Vote: Approved unanimously by vote

Item 4. Board Member Communications.

Board Member Mary Ann Lutz met Executive Officer Jonathan Bishop and Mr. Richard Watson, Representing Coalition for Practical Regulation regarding the San Gabriel River TMDL to review and discuss comment submittals.

Board Chair David Nahai met with Mr. Jim Stahl, Director of the L.A. County Sanitation Districts and Executive Officer Jonathan Bishop regarding the Santa Clara chloride TMDL issues. Chair Nahai also indicated that he had attended a meeting with Dr. Mark Gold of Heal the Bay, and Zev Yaroslavsky regarding the MS4 Stormwater Permit.

Item 5. Executive Officers Report

Report given by Jonathan Bishop, Executive Officer, and posted on the Board's website:
www.swrcb.ca.gov/~rwqcb4/html/eo_reports/eo_reports.html .

Item 5.a. Report from State Board by Mr. Jerry Secundy.

Mr. Secundy indicated that the Strategic Plan is currently being updated, and more information on this is forthcoming regarding the State Board priorities for the Plan. Mr. Secundy stated that Chief Counsel Michael Lauffer is working on the draft Ex Parte Communications manual, and the manual is soon to be signed off and circulated to the Boards.



Item 6. Public Forum.

All of the speakers during the Public Forum expressed significant concerns that item relating to the proposed MS4 Permit to incorporate provisions of the Santa Monica Bay Beaches dry weather TMDL had been pulled. The commenters disagreed with the opinion expressed by Counsel Phil Wyels, and expressed their strong disappointment that the matter was continued.

The Board directed staff to bring this item back at the September 14, 2006 Board meeting.

Speakers:

Dr. Mark Gold, Heal the Bay

Ms. Tracy Egoscue, Santa Monica Baykeeper

Mr. David Beckman, NRDC

Item 7. Uncontested Items Calendar.

MOTION: To deem non-controversial and approve Agenda Items 8, 9, 10, 15

First: Board Member Mary Ann Lutz

Second: Board Member Susan Cloke.

Vote: Approved by unanimous vote.

Item 11. Discussion of tentative NPDES Permit for the West Basin Municipal Water District (West Basin Recycling Facility).

Chair David Nahai administered an Oath.

The Regional Board conducted the public hearing to discuss comments related to the tentative NPDES permit for the West Basin Recycling Facility, which will be jointly issued by the Regional Board and USEPA Region IX at a subsequent hearing (August 3, 2006).

Chair Nahai made a statement immediately following the oath on this matter. Chair Nahai indicated that he had conferred with Senior Counsel Phil Wyels, and will sit and vote on this matter as a member of the water Board without bias and regard to the fact that he sits on the Department of Water and Power Board.

In addition, Board member Mary Ann Lutz made a statement indicating that she sits on the City of Monrovia Council, but Monrovia has a different watershed and that there is no bias on her opinion as she chooses to sit on the Board to hear and vote on this matter as well.

Staff Report.

Blythe Ponek-Bacharowski, Senior Engineering Geologist

- Waste brine is not treated prior to discharge
- Expansion will increase the brine waste
- Gave a compliance history for the facility



- In the existing permit there were no numeric limitations and no exceedances identified
- Identified the major changes made to the existing permit
- EPA and Board staff conducted the reasonable potential analysis which is required by NPDES regulations
- The permit requires a Chronic Toxicity Special Study
- Discussed the comments submittal letters received

Public Comment:

- Alexis Straus, U.S. Environmental Protection Agency
- Dr. Mark Gold, Heal the Bay
- Ms. Uzi Daniel, West Basin Municipal Water District

Item 13. Basin Plan Amendment to incorporate a Total Maximum Daily Load (TMDL) for metals and selenium in the San Gabriel River and impaired tributaries.

Chair David Nahai administered the Oath.

Staff Report.

Ms. Jenny Newman

- The development of this TMDL is led by Regional Board and USEPA staff and Stakeholders
- This TMDL is similar to the Metals TMDL for Calleguas Creek, L.A. River, and Ballona Creek TMDLs
- Point sources of metals include POTWs, power plants, and other non-storm water permits and the MS4, Caltrans and general storm water permits. Non point sources include open space and direct air deposition
- This TMDL includes separate numeric targets and allocations for dry and wet weather
- Discussed the economic analysis
- Gave an overview of the Implementation Plan

Public Comment:

- Ms. Alexis Strauss, U.S. Environmental Protection Agency (in support)
- Mr. Richard Montevideo, Representing Coalition for Practical Regulation cities (expressed opposition)
- Ms. Susan Damron, L.A. Department of Water and Power (not in support at this time, believes the Board should wait for the results of the SCCWRP Study prior to adoption)
- Mr. Bos Asgian, L.A. County Sanitation District (supports extended timeframe)
- Mr. David Rothbart, L.A. County Sanitation District (supports extended timeframe)
- Mr. Bob Collacett, AES Alamitos, LLC (opposed)
- Mr. Ken Poole, Richards, Watson & Gershon (opposed)
- Ms. Carrie Douangsitthi, L.A. County DPW (opposed)
- Mr. Mark Grey, Building Industry Association of Southern California (opposed)
- Mr. Mike O'Grady, City of Cerritos (opposed)
- Mr. Gary LaForge, City of Industry (opposed)



- Mr. Ray Tahir, Rep. City of Irwindale (opposed)
- Dr. Mark Gold, Heal the Bay (concerns with seasonal pocket delistings)
- Ms. Kirsten James, Heal the Bay (concerns with margin of safety)
- Mr. Tom Leary, City of Long Beach (opposed)
- Dr. Gerry Greene, City of Downey (opposed)
- Mr. Ken Farsing, City of Signal Hill (opposed)
- Mr. Richard Watson, Coalition for Practical Regulation (opposed)
- Dr. Susan Paulsen, Coalition for Practical Regulation (opposed)
- Mr. Kevin Powers, City of Norwalk (opposed)

Board questions/comments:

- Concerns about the timeframe with the integrated plans of L.A. River and San Gabriel River TMDLs
- Questions about Best Management Practices (BMPs)
- Questions about Cost factors and analysis
- Do Special Studies need to be approved by the Board prior to implementing?
- Are the cost studies region-wide?
- Why is such a wide range of costs being quoted?
- Does this TMDL exceed USEPA Standards?

MOTION: To adopt the TMDL with the change sheet, and with the additional amendment language proposed by staff clarifying the jurisdiction of the Santa Ana Regional Board.

First: Board Member Susan Cloke

Second: Vice Chair Fran Diamond

Vote: Approved by voice vote 7-1; One opposing vote by Board Member Mary Ann Lutz.

The meeting was adjourned at approximately 5:02 p.m. Minutes adopted at the August 3, 2006 Board meeting.

Written and submitted by: _____

